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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,900	09/23/2004	Pamela Louise Amos	40735022/535000US	3658
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Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865				
EXAMINER				
WILSON, LEE D				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/508,900

Applicant(s)

AMOS, PAMELA LOUISE

Examiner

LEE D. WILSON

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25, 27, 28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-25, 27, 28 and 30-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be on a separate sheet. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

1. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 36 recites "its" what is this term referring to and the term does not provide proper antecedent basis. The term is also indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burian (3170182).

Burian discloses the claimed invention as recited in claims . Burian discloses an apparatus and method having teeth (16&30) being wedge shaped

5. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Breton (3053264).

Breton discloses the claimed invention as recited in claims . Breton discloses an apparatus and method having teeth (26) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

6. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (671047).

Fox discloses the claimed invention as recited in claims . Fox discloses an apparatus and method having teeth (4) being wedge shaped including first and second sets, Lines,

and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

7. Claims 15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Korindes (5297882).

Korindes discloses the claimed invention as recited in claims . Korindes discloses an apparatus and method having teeth (20) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. The method is merely the natural function of the claimed apparatus.

8. Claims 15 and 18-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Brickley (3999244).

Brickley discloses the claimed invention as recited in claims . Brickley discloses an apparatus and method having teeth (20&22) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. Brickley discloses parallel rows of teeth which are angled differently (see figs. 1 and 3, the curvature is not the same for each which changes the angle). The method is merely the natural function of the claimed apparatus.

9. Claims 15 and 18-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (191608).

Miller discloses the claimed invention as recited in claims . Miller discloses an apparatus and method having teeth (d & e) being wedge shaped including first and second sets, Lines, and/or arrays also having empty spaces. Brickley discloses parallel rows of teeth which are angled differently (see figs. 2 and 3, the teeth are reversed which changes the angle). The method is merely the natural function of the claimed apparatus.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breton (3053264), Korindes (5297882), and/or Fox (671047).

a. Breton (3053264), Korindes (5297882), and/or Fox (671047) discloses the claimed invention except for a range .7-.9 mm apart for the teeth. The claimed range would have been obvious because "a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. It this leads to the anticipated success, It is likely the product not of innovation but of ordinary skill and common sense." KSR.

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

- a. A new rejection has been issued with regard to the petition to have Finality removed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3727

January 8, 2009